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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,713	02/07/2006	Kiyoyuki Masuzawa	1002.104	4031

95674 7590 03/31/2011

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EXAMINER	
NGUYEN, THUKHANH T	

ART UNIT	PAPER NUMBER
1747	

MAIL DATE	DELIVERY MODE
03/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO THE ADVISORY ACTION

1. Applicant's arguments filed 03/09/2011 have been fully considered but they are not persuasive.

2. The Applicants argued that the prior art fails to disclose a temperature control unit, wherein Sagawa (5,672,363) discloses the heating process is for curing the resin, which is a distinct process than the heating of the die and slurry of the present invention. The applicants also alleged that Boros (4,795,125) and Kotzab (5,772,933) also disclose different process such as the heating in these references merely heat plastic resin for melting, which is different than the current invention heating process for improved water releasability.

3. Since claim 1 regard to a molding apparatus, functional limitations have little or no patentable weight in determine the patentability of apparatus claim. While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). See MPEP 2114 [R-1].

4. The heating of the die is known as disclosed in the admitted prior art (see instant Specification, page 3, 2nd full paragraph) or Sawaga (col. 36, lines 25-26). A control unit to regulate the heating fluid circulating through the die, thus, regulating the temperature of the die is also known as disclosed in Kotzab (5,772,933), in which a temperature measuring sensor is located in the vicinity of the cavity to monitor the temperature continuously so that a controller can effectively control the quantity of the heating/cooling fluid to maintain the mold at a desired temperature (see col. 2, lines 10-48; col. 4, lines 5-49). Therefor, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the admitted prior art or Sawaga by providing a temperature controller as taught by Kotzab so that the temperature of the die can continuously be monitored and maintained. Once the die is heated to a predetermine temperature, it can be used to vaporize the water in the molding material, maintain the temperature of the die and the molding material, or it can cure the molding material depending on the chosen temperature, the material being molded and the material of the die.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is (571)272-1136. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1747